

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Crim. No. 1:08-cr-218-01
	:	
	:	
v.	:	
	:	
	:	
CARLOS CEGLEDI	:	Judge Sylvia H. Rambo

MEMORANDUM

Before the court is a motion for reduction of sentence pursuant to 18 U.S.C. § 3582 and Amendment 782 to the United States Sentencing Guidelines. (Doc. 487.) For the reasons stated herein, the motion will be denied.

I. Background

Following a jury trial, Carlos Cegledi was convicted of criminal attempt and conspiracy to distribute and possess with intent to distribute 500 grams or more of methamphetamine, traveling interstate to facilitate drug trafficking, and use of communication facilities to facilitate drug trafficking. He was sentenced by this court on July 20, 2010.

Cegledi's advisory guidelines range was 292 to 365 months imprisonment based on an offense level of 40 and criminal history category of I. This court granted a twenty percent variance under United States Sentencing Guideline 3553(a) based on the fact that the drugs involved were fake. A sentence of 234 months imprisonment was imposed.

Under Amendment 782, Cegledi's guideline range would be 235 to 293 months. Cegledi argues that the twenty percent variance previously granted by this court should apply to his reduced guideline range giving him a sentence of 187 months.

II. Discussion

The sentence imposed by this court is below the bottom of the amended guideline range. Section 3582(c)(2) of Title 18 provides authority for the Court to modify sentences based upon a motion of the defendant that relates to a retroactively lowered sentencing range, "if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." Section 1B1.10(b)(2)(A) of the Sentencing Guidelines provide that, with exception of substantial assistance to the government, "the court shall not reduce the defendant's term of imprisonment under 18 U.S.C. § 3582(c) and this policy statement to a term that is less than the minimum of the amended guideline range determined under subdivision (1) of this subsection."

To give Cegledi a twenty percent reduction of his amended guideline range would be in violation of the policy statement set forth in Section 1B1.10(b)(2)(A). Therefore, the motion for reduction of sentence (Doc. 487) will be denied.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: February 6, 2019